AO 440 (Rev. 06/12) Summons in a Civil Action

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
NOV 0 2 2012
DAVID J. MALAND, CLERK

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

Blue Spike, LLC

Plaintiff(s)

v.

Audible Magic Corporation, et al

Defendant(s)

6:12CV499 LEAD
CONSOLIDATED WITH
Civil Action No. 6:12-CV-576-LED

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Myxer, Inc.
The Corporation Trust Company
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Eric M. Albritton
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 9/27/12

CLERK OF COURT

David Maland

Signature of Clerk or Deputy Clerk

Civil Action No. 6:12-CV-576-LED

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Myxer, Inc.
was received by me on *(date)* 10/02/2012 .

❒ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

☑ Other *(specify):* Certified Mail, Return Receipt Requested # 70080500000118062156

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

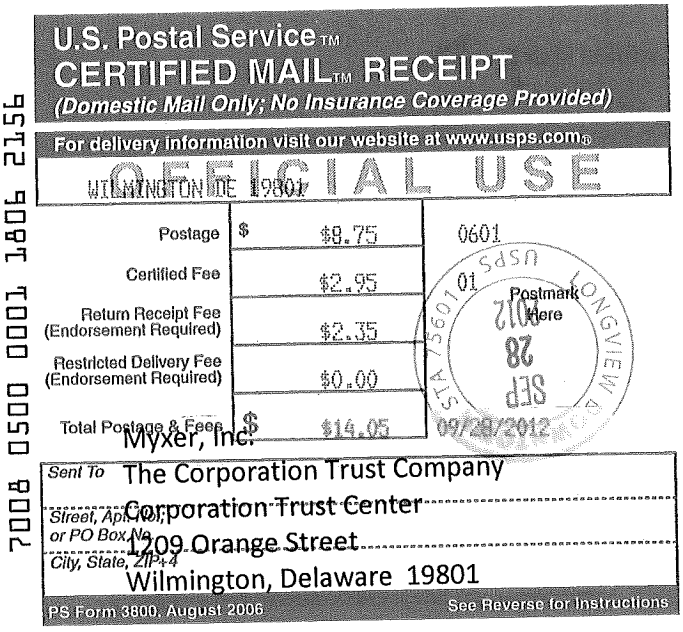
Date: 10/26/2012

April M. Hall
Server's signature

April M. Hall
Printed name and title

111 West Tyler Longview, Tx. 75601
Server's address

Additional information regarding attempted service, etc:



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OFFICIAL USE

WILMINGTON DE 19801

Postage	$ $8.75
Certified Fee	$2.95
Return Receipt Fee (Endorsement Required)	$2.35
Restricted Delivery Fee (Endorsement Required)	$0.00
Total Postage & Fees	$ $14.05

0601

Postmark Here

USPS 01 LONGVIEW TX 75601 SEP 28 2012

09/28/2012

7008 0500 0001 1806 2156

Myxer, Inc.

Sent To The Corporation Trust Company
Street, Apt. No., or PO Box No. Corporation Trust Center
1209 Orange Street
City, State, ZIP+4 Wilmington, Delaware 19801

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Myxer, Inc.
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery
OCT 02 2012

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from servic*) 7008 0500 0001 1806 2156 RRR

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540